

PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
KCX-375-CON (16068.1)

In re Application of: McDevitt, et al.

Application No.: 10/603,043

Filed: June 24, 2003

For: Dental Wipe

The owner*, Kimberly-Clark Worldwide, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,721,887 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 51,231

Robert A. Ambrose
Signature

13 June 2006
Date

Robert A. Ambrose
Typed or printed name

06/20/2006 HDESS1 00000065 10603043

02 FC:1814

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(770) 587-8908
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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GREENVILLE
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FACSIMILE TRANSMISSION

TO: U.S.P.T.O.
Examiner: Laura C. Guidotti

OUR REF: KCX-375-CON
Serial No.: 10/603,043

FROM: Alan R. Marshall, Registration No. 56-405

DATE: June 13, 2006

FACSIMILE DESTINATION: 571-273-1272

ENTIRE TRANSMISSION: 6 pages

Re: Terminal Disclaimer Submission

I hereby certify that this paper and related attachments were faxed to the above-referenced recipient and associated facsimile number on June 13, 2006:

Katrina C. Morris
(Typed or printed name of person mailing paper or fee)

Katrina C. Morris
(Signature of person mailing paper or fee)

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ATTORNEY DOCKET NO: KCX-375-CON (16068.1)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: McDevitt, et al.

Serial No: 10/603,043

Filed: June 24, 2003

Confirmation No: 1869

Title: Dental Wipe

Group Art Unit: 1744

Examiner: Guidotti, Laura C.

Our Client ID: 22827

Our Account No: 04-1403

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450**RESPONSE**

This is a response/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herewith by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

	Claims remaining after amendment		Highest number previously paid for		Present Extra		Additional Fee
Total Effective Claims	24	minus	25	=	0	X \$50 =	\$ 0.00
Independent Claims	2	minus	3	=	0	x \$200 =	\$ 0.00
If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time, add \$290.00 (per application)							\$ 0.00
Since Official Action set an <u>original</u> due date of <u>N/A</u>							
PETITION is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$120; 2 months \$450; 3 months \$1020; 4 months \$1590, 5 months \$2,160)							\$ 0.00
If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$130.00) x 2 =							\$ 260.00
SUBTOTAL:							\$ 260.00
If "small entity" verified statement filed <input type="checkbox"/> previously, <input type="checkbox"/> herewith, enter one-half (1/2) of subtotal and <u>subtract</u>							\$ 0.00
TOTAL:							\$ 260.00
Other: _____							\$ 0.00
TOTAL FEE ENCLOSED:							\$ 260.00

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

ADDRESS:
Post Office Box 1449
Greenville, SC 29602 USA
Customer ID No.: 22827
Telephone: 864-271-1592
Facsimile: 864-233-7342DORITY & MANNING
ATTORNEYS AT LAW, P.A.By: Alan R. Marshall Reg. No: 56,405 Date: June 13, 2006Signature: 

I hereby certify that this correspondence and any referenced attachment and fee are being deposited via facsimile to the U.S. Patent and Trademark Office, facsimile number 571-273-1272, on June 13, 2006.

Katrina Morris

(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

PATENT

ATTORNEY DOCKET NO: KCX-375-CON (16068.1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: McDevitt, et al.)	Examiner: Guidotti, Laura Cole
)	
Serial No.: 10/603,043)	Group Art Unit: 1744
)	
Filed: June 24, 2003)	Conf. No: 1869
)	
Title: Dental Wipe)	Deposit Account No.: 04-1403

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

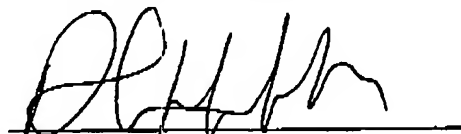
RESPONSE

Applicants wish to thank Examiner Guidotti for her courtesy and assistance during in the Telephone Interview of June 13, 2006.

In response to the Examiner's request for Terminal Disclaimers directed to U.S. Patent Nos. 6,647,549 and 6,721,987, Applicants respectfully submit the Terminal Disclaimers attached herein.

Should Examiner Guidotti have any further questions or concerns, she is invited and encouraged to contact the undersigned at her convenience.

Respectfully submitted,
DORITY & MANNING, P.A.



Alan R. Marshall
Reg. No. 56,405

June 13, 2006
Date

DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
Fax (864) 233-7342

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
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KCX-375-CON (16088.1)

In re Application of: McDevitt, et al.

Application No.: 10/803,043

Filed: June 24, 2003

For: Dental Wipe

The owner, Kimberly-Clark Worldwide, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 5,847,549 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Robert A. Ambrose
Signature

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Robert A. Ambrose
Typed or printed name

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) Included.

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